


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONDABAY LIGGINS-MCCOY	:	CIVIL ACTION
	:	
v.	:	NO. 19-1639
	:	
ANTHONY H. WILLIAMS	:	

**ORDER**

**AND NOW**, this 21<sup>st</sup> day of October 2022, upon considering Defendant's Motion to dismiss for lack of subject matter jurisdiction (ECF Doc. No. 109), following oral argument today, finding Defendant did not raise this claim in his Affirmative Defenses (ECF Doc. No. 39), and while mindful we must always ensure our subject matter jurisdiction, we cannot find a basis to deprive this Court of subject matter jurisdiction over a claim raised under the Family and Medical Leave Act based on the asserted grounds subject to dispute consistent with our Court of Appeals' reasoning last year in *Clews v. County of Schuylkill*, 12 F. 4th 353 (3d Cir. 2021), it is **ORDERED** Defendant's Motion (ECF Doc. No. 109) is **DENIED** without prejudice.

  
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KEARNEY, J.